

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 PAUL-DAVID and MARIA-JANET,

10 Plaintiffs,

11 v.

12 RUSSELL HARTMAN, et al.,

13 Defendants.

CASE NO. C11-5602BHS

ORDER DISMISSING CASE
FOR LACK OF SUBJECT
MATTER JURISDICTION

14
15
16 This matter comes before the Court on Plaintiffs' Complaint (Dkt. 1), which is
17 purportedly based on federal question jurisdiction. The Court has reviewed the largely
18 incomprehensible Complaint. Plaintiffs have failed to adequately establish the Court's
19 jurisdiction over the matter. Although Plaintiffs cite the Uniform Child Custody
20 Jurisdiction and Enforcement Act and the Servicemembers Civil Relief Act, they do not
21 inform the Court of how these are applicable or even if they confer federal question
22 jurisdiction over this Court in this matter. Notably, on the civil cover sheet to Plaintiffs'
23 Complaint the description of the cause of action is to "challenge [the] legality of custody
24 modification procedure and process." Plaintiffs have not informed the Court how such a
25 cause of action would be deemed a federal question. *See* 28 U.S.C. 1331.


26 Subject matter jurisdiction may be questioned by the Court at any time, and the
27 Court may *sua sponte* dismiss a case for lack of such jurisdiction. *See, e.g.*, 28 U.S.C.
28

1 1331 (federal question); *Bender v. Williamsport Area School Dist.*, 475 U.S. 534, 541
2 (1986) (district courts have an independent obligation to address subject matter
3 jurisdiction *sua sponte*). Here it does not appear that the Court has jurisdiction over this
4 matter. While not required to do so, the Court under circumstances unique to this
5 Complaint, directs the return to Plaintiffs of the filing fee.

6 Therefore, it is hereby **ORDERED** that

- 7 (1) Plaintiffs' Complaint is **DISMISSED without prejudice** for lack of subject
8 matter jurisdiction;
- 9 (2) Plaintiffs' filing fee **SHALL** be returned to Plaintiffs by the Court's
10 Finance Department within approximately 30 days; and
- 11 (3) This matter is **CLOSED**.

12 DATED this 10th day of August, 2011.

13
14 
15 BENJAMIN H. SETTLE
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28